

# **Exhibit F**

**From:** [Marquez, Lillian](#)  
**To:** [Weiss, Dara \(Law\)](#); [Jacobs, Elissa \(Law\)](#); [Robinson, Amy \(LAW\)](#)  
**Cc:** [Garcia, John \(Law\)](#); [Lax, Joshua \(Law\)](#); [Ryan, Erin \(LAW\)](#); [Goykadosh, Brachah \(Law\)](#); [sbreslow@law.nyc.gov](mailto:sbreslow@law.nyc.gov); [Wylie Stecklow](#); [Sow-Legal@blhny.com](mailto:Sow-Legal@blhny.com); [Sierra Team](#); [paynelitigationteam@nyclu.org](mailto:paynelitigationteam@nyclu.org); [AG-NYPDLitigation](#); [wood](#); [Andrew Stoll](#)  
**Subject:** RE: Proposed Deposition Dates  
**Date:** Tuesday, September 21, 2021 10:38:00 PM

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And to follow up regarding Sgt. Saleh, I am disappointed that my reasonable requests for any explanation as to the delay in scheduling his deposition past the Court-ordered and agreed-upon dates do not seem to have merited a response from Defendants' counsel. As Mr. Stecklow notes, we are not now bringing this issue to the Court's attention but reserve the right to do so as what might otherwise be simple scheduling issues mount into a more systemic problem.

Plaintiff the People will depose Sgt. Saleh on the date you have provided, October 28, and expect there will be no further attempt to adjourn it past that date.

Sincerely,

**Lillian Marquez | Assistant Attorney General**

New York State Office of the Attorney General, Civil Rights Bureau  
28 Liberty St., New York, NY 10005

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Pronouns: She/Her/Hers

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**From:** Wylie Stecklow <[wylie@wylielaw.com](mailto:wylie@wylielaw.com)>

**Sent:** Tuesday, September 21, 2021 9:12 PM

**To:** Marquez, Lillian <[Lillian.Marquez@ag.ny.gov](mailto:Lillian.Marquez@ag.ny.gov)>; Weiss, Dara (Law) <[daweiss@law.nyc.gov](mailto:daweiss@law.nyc.gov)>; Sow-Legal@blhny.com; Sierra Team <[sierrateam@moskovitzlaw.com](mailto:sierrateam@moskovitzlaw.com)>; paynelitigationteam@nyclu.org; AG-NYPDLitigation <[AG.NYPDLitigation@ag.ny.gov](mailto:AG.NYPDLitigation@ag.ny.gov)>; wood <[wood@klflaw.com](mailto:wood@klflaw.com)>; Andrew Stoll <[astoll@stollglickman.com](mailto:astoll@stollglickman.com)>

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**Subject:** Re: Proposed Deposition Dates

Counsel

Plaintiffs' acknowledge receipt of Sgt Zinstein's documents and BWC videos. We are very concerned with the approach the City continues to take with adjourning depositions without sufficient notice and without appropriate rationale. This occurred recently with DI Nikas who was adjourned less than 48 hours from the deposition due to the City's inability to find time to properly prep even though all sides were available on the noticed and confirmed deposition date. The Zinstein deposition is being cancelled due to the deponent not being properly assigned for his tour of duty on the suggested and agreed upon deposition date as a deposition. Going forward, we would like a commitment from the defense that all line officer depositions will occur with the deponent at 100 Church Street. In this manner, we will avoid this

inappropriate adjournment due to "union obligations" or other rationale that doesn't make any sense. If a deponent is confirmed for a deposition, as Sgt Zinstein and Deputy Inspector Nikas were, this means that the date is available and their assignment for the tour is DEPOSITION. Each deposition is noticed for 7 hours with a one hour lunch break, for an 8 hour total period. This is the same amount of time for an individual NYPD tour. Further, defense counsel, by court order, is to inform each witness about the 7-hour length and desktop/laptop requirements.

While we are not bringing this issue to the Court currently, we do reserve the right to raise each of these adjournments if this conduct continues. We have all worked together for decades now and scheduled hundreds of depositions. There is no reason we cannot handle the deposition scheduling and confirmation in this case in any manner than we have in the past. An adjournment close to the date is the rare exception based on health or an emergency, not based on failure to prep or being assigned to the wrong location.

Thank you for understanding and working with us. With this understanding, we will agree to the new date of October 13, 2021 for Sgt Zinstein.

We have reviewed some of the documents that have come in today and believe there should be underlying files related to CCRB, IAB and other CPI relevant incidents. Please let us can know when we will be receiving more documentation.

Respectfully,

Wylie, Elena, Conor, Swati, Lillian and the Common Interest Counsel

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**From:** Marquez, Lillian <[Lillian.Marquez@ag.ny.gov](mailto:Lillian.Marquez@ag.ny.gov)>

**Sent:** Tuesday, September 21, 2021 1:37 PM

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<[Eryan@law.nyc.gov](mailto:Eryan@law.nyc.gov)>

**Subject:** RE: Proposed Deposition Dates

Bumping this, as well. Please provide context so we can respond to your proposal.

**Lillian Marquez | Assistant Attorney General**

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**From:** Marquez, Lillian

**Sent:** Monday, September 20, 2021 9:57 PM

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**Subject:** RE: Proposed Deposition Dates

Dara,

Can you please provide specific reasons why Sgt. Saleh cannot do an earlier date? Again, we object to Defendants' attempts to schedule depositions contrary to the Court's order and our agreement.

Lillian

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**From:** Weiss, Dara (Law) <[daweiss@law.nyc.gov](mailto:daweiss@law.nyc.gov)>

**Sent:** Monday, September 20, 2021 5:57 PM

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**Subject:** Proposed Deposition Dates

[EXTERNAL]

Counselors,

Pursuant to our previous discussions regarding the remaining depositions, we propose the following dates:

Sgt Majer Saleh - Oct 28

PO Hensley Caraballo - Oct 7

Please confirm or reject these dates by end of day Tuesday, September 21.

Additionally, regarding the deposition of Sergeant Zinstein, it has come to our attention that it cannot go forward as currently scheduled on 9/22. Sergeant Zinstein is unable to access a desktop computer that day due to his work assignment, which he cannot change. We had originally proposed 9/17 as the date for his deposition, which you rejected. We then offered 9/22 to complete the deposition as soon as possible. Unfortunately, we were unaware until today that Sgt. Zinstein would not have access to a desktop on 9/22. We propose 10/13 or 10/19 for Sgt. Zinstein's deposition. Please advise which date works best for you by end of day Tuesday, September 21.

To summarize our current position, once the above three depositions are scheduled, only the following remain to be scheduled:

- Lt Carey and Capt Delgado, who are retired and defendants have been unable to contact. You advised that you would take steps to ascertain their contact information.
- Helmet 21286 and Helmet 3138, which the parties are working to identify
- DI Edelman, which was postponed at the request of plaintiffs

Best,

Dara

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